

Hon. Barbara Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES and SHAYLEE MEDICRAFT,
husband and wife and the marital
community thereof, themselves and on
behalf of their minor children: J.M., A.M.,
E.M., M.M. and N.M.,

Plaintiffs,

V.

THE STATE OF WASHINGTON, et al.,

Defendants.

NO. 2:21-cv-01263-BJR

**ORDER GRANTING
STIPULATED MOTION FOR
FRCP 35 MEDICAL EXAM OF
PLAINTIFF JAMES MEDICRAFT**

THIS MATTER has come before the Court on Defendants, the State of Washington, Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez; Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's Stipulated Motion for FRCP 35 Medical Exam Of Minor Plaintiffs, said Defendants appearing through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay; Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel, Nathan J. Arnold; Defendants Derek Leuzzi and Jane Doe Leuzzi, appearing through their counsel, Emma Gillespie and Kelsey Norman; Defendant Phoenix Protect Corp., appearing through their

**ORDER GRANTING STIPULATED
MOTION FOR FRCP 35 MEDICAL
EXAM OF PLAINTIFF JAMES
MEDICRAFT
NO. 2:21-cv-01263-BJR**

ATTORNEY GENERAL OF WASHINGTON
Torts division
7141 Clearwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

1 counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al Marfadi and Jane Doe
2 Marfadi, appearing through their counsel, Benjamin J. Lantz; and all parties having stipulated and
3 the Court having considered the Stipulated Motion, and good cause appearing, now, therefore:

4 **ORDERS and ADJUDGES** the following:

5 1. The Independent Mental Exam of Plaintiff JAMES MEDICRAFT by Dr. Jill McGovern
6 will be held as follows:

7 a. Date and time of Examination: Wednesday February 8, 2023 at 9:00 A.M (Noon east coast
8 time) and continuing as needed, with reasonable breaks, up to 4 hours.

9 b. Location of Examination: The exam will be conducted by remote medical video platform,
10 with internet links to be provided to the Plaintiff and any representative of the Plaintiff present
11 under section 2.

12 c. Examiner: Dr. Russell Vandenbelt, MD.

13 d. Scope: The examination is to evaluate the Plaintiff's past mental and emotional trauma,
14 adaptive functioning, current mental health/psychological concerns and any future mental
15 health/psychological treatment. The examination will include a records review, the
16 administration of valid and reliable testing routinely used by forensic medical and mental health
17 experts to evaluate individuals, and a clinical interview. The examination will be conducted
18 according to professional standards as to such examinations. No invasive tests, such as MRI's,
19 blood testing, or X-rays shall be administered during the examination.

20 2. The Plaintiff may have a representative present, who is not a potential witness, friend, or
21 a relative of the Plaintiff. The representative may observe, but may not interfere or obstruct the
22 examination.

23 3. The examination may be audio taped or videotaped, as long as the recording is
24 unobtrusive. However, no recording shall be permitted during the testing portion of the remote
25 medical video platform examination.

1 4. Any raw data for any testing performed shall be made available to the Plaintiff's retained
2 psychological experts(s) upon request.

3 5. Pursuant to FRCP 35, Plaintiff hereby requests and Defendants shall produce a signed
4 written report setting forth the examiner's findings, including diagnosis, conclusions, and the
5 results of any testing within forty five (45) days of the examination.

6 DATED this 15th day of February, 2023
7

8 
9

10 The Honorable Barbara J. Rothstein
11 United States District Court Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26